IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 3541 of 1999

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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PATEL KELAVANI MANDAL & 1 - Petitioner(s)

Versus

STATE OF GUJARAT & 2 - Respondent(s)

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Appearance :

NOTICE SERVED for Petitioner(s) : 1 - 2.MR SHIRISH JOSHI for Petitioner(s) : 1 - 2.
GOVERNMENT PLEADER for Respondent(s) : 1,
RULE SERVED BY DS for Respondent(s) : 1 - 2.
NOTICE SERVED BY DS for Respondent(s) : 3,
MR AR THACKER for Respondent(s) : 3,

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 13/01/2006

ORAL JUDGMENT

1. By way of this petition under Article 226 of the Constitution of India, the petitioner has prayed for appropriate writ, order and/or directions directing the respondents to sanction necessary grant for the Bachelor of Business Administration Course (hereinafter referred to as “the BBA Course” for convenience) to the petitioner No.2 College namely M.M. Ghodasara Mahila Arts and Commerce College, Junagadh.

2. It is the contention of the petitioners that they were granted permission and recognition to start college on condition that for the first three years, they will not be entitled to the grant. Meaning thereby, after a period of three years, they will be entitled to

the grant. It is the contention on behalf of the petitioners that some other trusts inclusive of Sardar Patel Education Trust, Junagadh was granted approval to start BBA Course from June, 1998 with the benefit of grant and so far as the petitioners are concerned, no grant is sanctioned. In the affidavit in reply, the respondents have stated on affidavit that the request of the petitioners is still pending for consideration before the Government and so far as the sanction of grant in favour of the Sardar Patel Education Trust, Junagadh is concerned, thes ame is sanctioned “as a special case.”

3. From the order sanctioning the grant in favour of the Sardar Patel Education Trust, Jungadh nothing is born out as to how the case of the said Sardar Patel Education Trust is considered separately than the petitioners and under what circumstances and how the case of the Sardar Patel Education Trust is treated as a

special case. However, in view of the fact that no decision has been taken by the respondents of the application submitted by the petitioners for sanction of the grant for BBA Course and yet the initial recognition was granted in favour of the petitioner No.2 was with a specific condition that they will not be entitled to the grant for a period of three years. Meaning thereby that the petitioner will be entitled for the grant after a period of three years. However, in view of the fact that no decision has been taken on the application of the petitioners, the respondents are directed to take an appropriate decision on the application submitted by the petitioners for sanction for the grant for BBA Course in accordance with law and on merits, considering the case of the petitioners in light of the decision by the respondents in case of Sardar Patel Education Trust, as expeditiously as possible preferably within a period of TWO MONTHS from the date of receipt of the writ of this

order.

4. It will be open for the petitioners to make an appropriate application before the respondents for personal hearing and as and when such application is made, the respondents are directed to consider the same and give an opportunity of personal hearing to the petitioners.

5. With the aforesaid observations and directions, the present petition stands disposed of. D.S. Permitted.

(M.R.SHAH,J.)

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